

Notice of Allowability

Application No.

10/653,330

Examiner

Peter P. Nerbun

Applicant(s)

FLUCKIGER, HANS

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application papers.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 02 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In accordance with MPEP 1302.04 the following typographical correction has been made:

In claim 4, line 10, "(57)" has been changed to --(57a, 57b)-- to refer to each of the first and last light beam recited in claim 4.

The following is an examiner's statement of reasons for allowance:

Claim 1 and the claims depending therefrom are allowed since claim 1 recites the steps of directing a light beam bundle from a light transmitter through slits in a sewing machine hook base and through peripheral openings situated in a sewing machine hook body and acquiring a momentary angle of rotation of the hook body and/or a time when one of the light beams is registered by a light receiver.

Claim 4 and the claim depending therefrom are allowed since claim 4 recites a sewing machine comprising a hook base located in a hook body, slits and openings being made in a periphery of the hook body and in a housing of the hook base, and a light receiver registering a location of impingement of a first and/or a last light beam on the light receiver.

It is noted that the box diagram referred to in the specification as a light receiver (at 53, Fig. 4) is interpreted for the purpose of illustration to include a machine control system connected to a light receiver (as disclosed on page 4,

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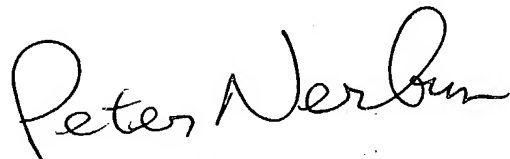
lines 1-4 of the specification) thereby fulfilling the requirement set forth in 37 CFR 1.83(a).

The patents to Sato et al, Arnold, and Bruder et al are cited to disclose methods for monitoring the supply of lower thread on the lower thread bobbin of a sewing machine through light transmitter and receiver devices and other electronic means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Peter Nerbun

November 23, 2004

A handwritten signature in black ink that reads "Peter Nerbun". The signature is written in a cursive style with a large, looped initial "P".

Peter Nerbun
Primary Examiner